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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/621,069   | 07/16/2003  | William F. Sauber    | DC-05242                 | 1256             |
| 33438  | 7590        | 10/12/2006           | EXAMINER<br>CHEN, ALAN S |                  |
| HAMILTON & TERRILE, LLP<br>P.O. BOX 203518<br>AUSTIN, TX 78720 |             |                      | ART UNIT<br>2182         |                  |
| PAPER NUMBER   |             |                      |                          |                  |

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                    |  |
|------------------------------|-----------------|--------------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)       |  |
|                              | 10/621,069      | SAUBER, WILLIAM F. |  |
|                              | Examiner        | Art Unit           |  |
|                              | Alan S. Chen    | 2182               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/2003</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Double Patenting*

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-20 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1-20 of prior U.S. Patent No. 6,874,042. This is a double patenting rejection.

Claims 1-13 and 15-20 have identical limitations to claims 1-13 and 15-20 of the cited patent. Claim 14 of the patent encompasses all aspects of claim 14 of the instant application and contains very similar verbiage.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 14-20 are rejected under 35 USC 103(a) as being unpatentable over US Pat. No. 6,346,946 to Jeddelloh.

6. Per claim 14, Jeddelloh discloses a method of using a switch (*Fig. 1, element 124*) to route graphics data (*Figs. 1 and 2, element 140 sends graphics data*) and data for a peripheral device (*Figs. 1 and 2, elements 122 and 126*) on an interconnect (*Figs. 1 and 2, buses are the interconnects*), the method comprising: receiving data at a switch coupled to a graphics engine via a first link (*Fig. 1, element 140*); determining whether the data is the data for the peripheral device or the graphics data based on an address contained in the data (*Fig. 2, element 124 and 202*); and based on the determination, routing the graphics data to a second link and the data for the peripheral device to a third link (*Fig. 2, element 124 switches data to be routed to different links*).

Jeddelloh does not expressly disclose the limitations of the switch being disposed in a graphics card.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the teachings of Jeddelloh to implement the structure and function of switch and related logic on a graphics card.

The suggestion/motivation for doing so would have been that Jeddelloh has the switch (*element 124*), graphics controller (*element 144*) all being disposed on bridge circuitry which performs the substantially identical claimed function of the graphics card as well as the fact that the bridge communicates over a shared bus (*elements 106 and 108*), similar to what a inserted graphics card would operate.

Therefore, it would have been obvious to incorporate functional elements of Jeddelloh into a single card/board/chip as is well-known to circuit design for the benefit of smaller, more compact integration that lends to better processing speed and adaptation with other circuit logic.

7. Per claim 15, Jeddelloh discloses claim 14, further disclosing the first link comprising a high bandwidth link of an interconnect architecture (*Column 2, lines 18-20; Column 6, line 12*).

8. Per claims 16-20 further details limitations regarding driving and sending a video monitor signal to a video monitor via a video bus; video signals being digital & analog; and a packet-base transaction. The above limitations of claims 16-20 are very common and widely known to one of ordinary skilled in the art, as well as commonly and widely practiced throughout the art of graphics control. The Examiner takes official notice on the application of such ubiquitous knowledge with Jeddelloh. Therefore it would have been obvious at the time the invention was made to one having ordinary skill in the art to incorporate this knowledge in the teachings of Jeddelloh.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents and patent related publications are cited in the Notice of References Cited (Form PTO-892) attached to this action to further show the state of the art with respect to graphics engines having switching mechanism for other data in addition to graphics data.

- o US Pat. Pub. No. 2002/0122046 to Dischert et al. disclose a graphics card being able to transmit two types of data between a TV card and Window Keyer (Fig. 1).
- o US Pat. No. 6,141,709 to Cutter discloses a peripheral card having graphics processing functions that outputs at least two types of data, one audio, one video.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASC  
10/03/2006

  
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